

16371. Adulteration and misbranding of Dakol nasal cream. U. S. v. 7 Dozen Packages of Dakol Nasal Cream. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23636. I. S. No. 03777. S. No. 1756.)

On April 19, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 dozen packages of Dakol nasal cream, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the New Haven Laboratories (Inc.), New Haven, Conn., in two consignments on or about January 8, 1929, and January 23, 1929, and transported from the State of Connecticut into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Chemical analysis by this department of a sample taken from this consignment showed that the article consisted essentially of petrolatum, $\frac{1}{4}$ per cent of chloramine-T, volatile oils including menthol, and a small amount of a saponifiable fat. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, (label on tube) "Antiseptic."

Misbranding was alleged for the reason that the statements on the tube containing the article, "Coat tip on tube with Dakol—to Antisepticize," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the said article, (tube) "For * * * relief of * * * catarrh, influenza, bronchitis, whooping cough, hay fever, sore throat, asthma, * * * to prevent nose and throat infection. Squeeze * * * Dakol on * * * finger * * * into each nostril," (carton) "For the relief of * * * influenza, bronchitis, catarrh, whooping cough, hay fever, sore throats, and asthma. For the prevention of contagious diseases contracted through nose and throat. * * * Insert tip * * * into nostril * * * pinch tube, and draw deep, long breath through nose until Dakol reaches the throat," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that the said article was in whole or in part composed of or contained ingredients or medicinal agents effective in the treatment of disease or the prevention thereof.

On May 16, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16372. Misbranding of Buddies. U. S. v. 9 $\frac{3}{4}$ Dozen Tins of Buddies. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23472. I. S. No. 03491. S. No. 1674.)

On March 1, 1929, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 $\frac{3}{4}$ dozen tins of Buddies at Ironton, Ohio, alleging that the article had been shipped by the Buddies Co., from Ravenswood, W. Va., on or about January 30, 1929, and transported from the State of West Virginia into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of acetylsalicylic acid (5.45 grains per tablet), caffeine (0.37 grain per tablet), capiscum, and salicylic acid.

It was alleged in the libel that the article was misbranded in that the statements, (tins) "Better than Aspirin. Safely used for the following conditions, (circular) "It's better than aspirin. * * * gives * * * safe relief. They are a safe * * * Better than Aspirin in the sense that they are not depressing on the heart," borne on the labels, were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the said article, borne on the